

REMARKS

Claim Rejection under 35 U.S.C. § 103

Claims 1-22 are rejected under 35 U.S.C. 103 as being unpatentable over Slemmer (US 6,240,533 B1; hereinafter “Slemmer”) and further in view of Maufer et al. (US 7,143,188 B2; hereinafter “Maufer”).

One criteria required for establishing a prima facie case of obviousness is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (Please see MPEP 2143.)

With respect to independent claim 1, the Applicant respectfully submits that Slemmer and Maufer in combination do not disclose at least the following limitations recited in claim 1: at least one processor configured to “determine that a first portion of the incoming packets should be bridged, the first portion having a first source address and a first destination address within the first network;” and also configured to “determine that a second portion of the incoming packets should be routed, the second portion having a second source address or a second destination address outside the first network.”

More specifically, neither Slemmer nor Maufer, individually or in combination, discloses a *single* device that both bridges and routes incoming packets.

The outstanding Office Action indicates that Slemmer, at approximately col. 4 line 4 to col. 5 line 11, discloses the above-recited limitations in claim 1. However, Slemmer discloses a firewall and a separate switch. Slemmer, at cols. 4 and 5, mainly discusses (1) a controller’s handling of firewall failure; and (2) functionalities of the switch.

Specifically, Slemmer, at col. 4 lines 7-32, discusses a controller 24 that monitors/measures the firewall device 16. The controller can sense a failure of the firewall device by using a sense connection 40, monitoring the signals going into and out of the firewall devices, performing a test on the firewall, etc. However, neither the controller nor the firewall device determines which portion of the incoming packets should be bridged and which portion of the incoming packets should be routed. In other words, nothing here describes either the controller or the firewall device both bridging and routing respective portions of the incoming packets.

Furthermore, even if Slemmer’s firewall could be considered a bridge (which the Applicant is not admitting), the reference would still fail to teach any sort of determination that packets should be bridged. Indeed, if the firewall is a bridge, it would appear that all incoming

packets are bridged since all incoming packets are passed through the firewall for policy-based processing.

As to the routing portion of claim 1, Slemmer, at col. 4 line 42 to col. 5 line 10, discusses a switch 22 that “is capable of performing the requisite bypass in response to a control signal.” (see Slemmer, col. 4 lines 42-44). This bypass, however, refers to the ability of the switch to change VLAN groups. The controller 24 can change the VLAN mode of the Ethernet switch 38 by delivering an appropriate control signal to the Ethernet switch 38 via control line 36. However, nothing here discusses having the switch act like a bridge for certain packets, nor any type of “decision” as to whether or not to route the packets.

Maufer also does not disclose a single device capable of bridging and routing respective portions of the incoming packets either. Maufer discloses a gateway device capable of routing the communication packets, but nothing in Maufer discloses the same gateway device also capable of bridging the communication packets, let alone any decision as to whether to route or bridge incoming packets.

Therefore, Slemmer and Maufer, individually or in combination, do not disclose at least the above-recited limitations in claim 1. Claim 1 is patentably distinct from Slemmer and Maufer.

Similarly, Slemmer and Maufer in combination do not disclose all the recited limitations in independent claims 8, 9, and 13. With respect to claim 8, Slemmer and Maufer in combination do not disclose at least the following recited limitations: “means for determining that the first packets should be bridged, the first packets having a first source address and a first destination address within the first network;” and “means for determining that the second packets should be routed.” With respect to claims 9 and 13, Slemmer and Maufer in combination do not disclose at least the following recited limitations: “determining that the first packets should be bridged, the first packets having a first source address and a first destination address within the first network;” and “determining that the second packets should be routed.”

Dependent claims 2-7, 10-12, and 14-22 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claims 1, 9, and 13, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 2-7, 10-12, and 14-22 are not anticipated or made obvious by the prior art and/or the official notice outlined in the Office Action.

CONCLUSION

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

/Marc S. Hanish/
Marc S. Hanish
Reg. No. 42,626

P.O. Box 70250
Oakland, CA 94612-0250
408-255-8001